

Application No.: 10/586,917
Amendment Dated: November 13, 2009
Reply to Office Action of: August 28, 2009

MAT-8880US

Remarks/Arguments:

Claims 1-4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilman (US 2,808,093) in view of Masaaki (JP 07-091594). It is respectfully submitted, however, that these claims are patentable over the cited art of record for the reasons set forth below.

Applicants' invention, as recited by claim 1, includes a feature that is neither disclosed nor suggested by the art of record, namely:

... a collapsible cold-insulating container comprising four peripheral walls, a bottom face and a flexible rectangle bottom face sheet, the container forming a box with respective members, and being collapsible with each member overlapping with one another, while the four peripheral walls, the bottom face and the bottom face sheet being connected with each other ...

As the cold-insulating container is collapsible as claimed above, there is no need to attach or remove extra members when the box is opened or closed. This feature is neither disclosed nor suggested by the art of record. Accordingly, claim 1 is patentable over the art of record.

Claims 2-4 are patentable over by virtue of their dependency on allowable claim 1.

Claims 1, 7, 9 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Purdum (US 5,899,088) in view of Gilman and further in view of Masaaki. As previously explained, however, claim 1 is now directed to a collapsible container. This feature is neither disclosed nor suggested by the art of record. Accordingly, claim 1 is patentable over the art of record.

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Claims 7, 9 and 10 are patentable by virtue of their dependency on allowable claim 1.

Claims 11, 12 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over references of record. The rejection is rendered moot by the cancellation of those claims.

Claims 13 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over art of record. This rejection, however, is rendered moot by the cancellation of those claims.

Claims 16, 17 and 20-33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over references of record. This rejection, however, is rendered moot by the cancellation of those claims.

Claims 18 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over references of record. This rejection, however, is rendered moot by the cancellation of those claims.

Claims 34-47 are newly added. Claim 34 is directed to a collapsible cold-insulating container which, as previously explained, is neither disclosed nor suggested by the art of record.

Claims 35-47 are patentable by virtue of their dependency on allowable claim 34.

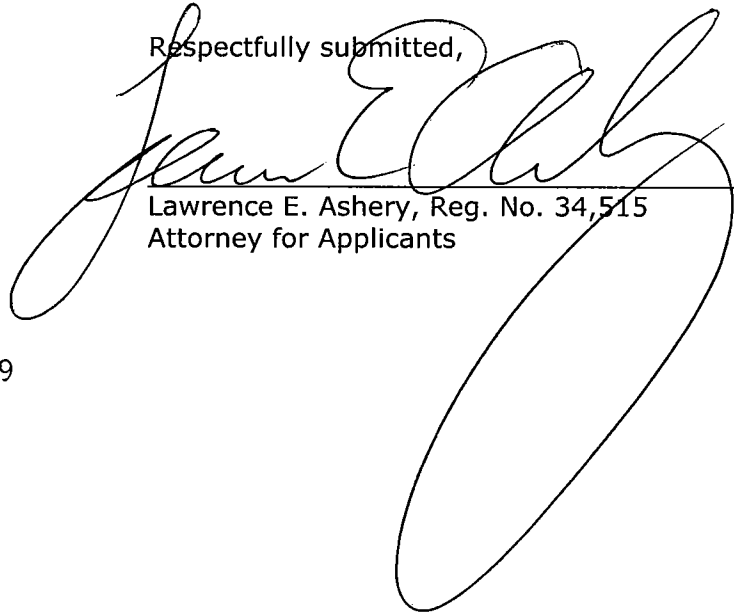
The newly added features are supported by the originally filed application, for example, on page 44, lines 15-19. No new matter has been added.

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In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Lawrence E. Ashery, is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

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